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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/380,817	01/21/2000	HANS-DIETER REINARTZ	AP8957	3103

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EXAMINER

PEREZ, GUILLERMO

ART UNIT PAPER NUMBER

2834

DATE MAILED: 10/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/380,817

Applicant(s)

REINARTZ ET AL. *rac*

Examiner

Guillermo Perez

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17,18 and 24-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17,18 and 24-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 17-18, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burgdorf et al. (U. S. Pat. 5,895,207) in view of Kohno et al. (U. S. Pat. 5,688,028).

Burgdorf et al. disclose a motor driven pump unit for antilock brake systems, comprising:

an electric motor (1) including a rotor (5),
a pump (2) operatively coupled to the electric motor (1),
an electronic control unit (95) including at least one carbon brush (8) in at least one brush holder (98) that extends from the electronic control unit (95), passing through the pump (2) and into an inner portion of the motor (1) in proximity to the rotor (5),
wherein

the pump (2) is positioned between the electric motor (1) and the electronic control unit (95). Burgdorf et al. disclose that the at least one brush holder (98) extends parallel to a rotary axis (4) of the rotor (5). Burgdorf et al. disclose that the at least one carbon brush (8) is arranged in alignment with a commutator (7) on the rotor (5).

However, Burgdorf et al. do not disclose a mean for an axially moveable holding device

for the at least one carbon brush. Burgdorf et al. do not disclose that the commutator has a contact surface that is at a right angle to a rotary axis of the rotor.

Kohno et al. disclose a mean (27a) for an axially moveable holding device (27b) for the at least one carbon brush (27 in figure 8A). Kohno et al. disclose that the commutator (26) has a contact surface that is at a right angle to a rotary axis (21a) of the rotor. The invention of Kohno et al. has the purpose of facilitating the manufacturing process of the motor assembly.

It would have been obvious at the time the invention was made to modify the motor of Burgdorf et al. and provide it with the mean and the commutator configuration disclosed by Kohno et al. for the purpose of facilitating the manufacturing process of the motor assembly.

2. Claims 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burgdorf et al. in view of Kohno et al. as applied to claim 27 above, and further in view of L. R. Gute (U. S. Pat. 3,244,917).

Burgdorf et al. and Kohno et al. substantially teach the claimed invention except that it does not show that the at least one brush holder includes at least two brush holders which are arranged concentrically to the rotary axis of the rotor.

L. R. Gute discloses that the at least one brush holder (36,38) includes at least two brush holders (36,38) which are arranged concentrically to the rotary axis (54) of the rotor (48). L. R. Gute's invention has the purpose of providing a compact and economic to manufacture motor.

It would have been obvious at the time the invention was made to modify the pump unit of Burgdorf et al. and Kohno et al. and provide it with the brush holder configuration disclosed by L. R. Gute for the purpose of providing a compact and economic to manufacture motor.

Response to Arguments

Applicant's arguments with respect to claims 17-18, and 24-27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guillermo Perez whose telephone number is (703) 306-

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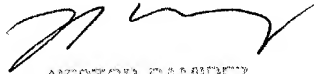
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5443. The examiner can normally be reached on Monday through Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308 1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305 3432 for regular communications and (703) 305 3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 0956.

Guillermo Perez
October 17, 2002


NESTOR RAMIREZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800